

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2003-476

August 15, 2003

PAUL AND LISA GRIBBIN
Appeal of Consumer Assistance Division
Decision #2002-13661 Regarding Auburn
Water District

ORDER

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

I. SUMMARY

In this Order we direct the Auburn Water District (District) to accept as payment in full an amount reflecting average usage for the previous four quarters and one-half the amount in excess of that usage recorded by the meter for the account of Paul and Lisa Gribbin at 9 James Street, Auburn for the third quarter of 2002.

II. BACKGROUND

We previously considered the facts of this case as described in our Order issued in Docket No. 2002-686 on March 7, 2003. The Gribbin's complained about receiving a bill for the third quarter of 2002 for 44,300 cubic feet of water, when their usage in the previous four quarters averaged 7075 cubic feet per quarter. We decided to remand the case back to CAD and require the District to conduct a second test of the meter and allow the Gribbin's to witness the test. We also suggested that the District and the Gribbin's try and find a way to settle this matter, perhaps by sharing the amount above the usual usage.

The District conducted a second test on March 28, 2003, witnessed by the Gribbin's. At low flow the meter measured 36% less than actual, at medium the flow rate was accurate and at high flow the meter measured 1% less than actual. Chapter 62 § 3(G) requires meters to register no more than 2% above or below the intermediate or maximum flows or below 90% of minimum flow. Therefore, at low flows, the meter was underreading and not in compliance with Chapter 62.

During May 2003, the Gribbin's, with assistance from Bill Black of the Office of the Public Advocate, attempted to resolve the dispute with the District. On May 22, 2003, the General Manager of the District sent a letter to the Gribbin's stating that the Trustees unanimously declined to grant any credit and instead offered a one-year payment arrangement with no interest charges.

The Gribbin's then renewed their request that CAD resolve their billing dispute. On June 23, 2003, CAD issued its decision finding that the Gribbin's were responsible for the entire amount owed of \$577.91 because the meter tested within accuracy guidelines of Chapter 62 and the Commission's policy that customers are responsible

for the cost of water that passes through a meter if the meter is functioning properly. On June 30, 2003, the Gribbin's appealed CAD's decision to the Commission. They once again ask that the Commission to resolve the dispute by permitting them to pay for one-half of the amount of water consumed above their usual quarterly usage.

III. DISCUSSION AND DECISION

Our policy has been to hold customers responsible for charges from usage registered on a properly operating meter. We believe the situation here warrants a deviation from the usual policy. First, the usage is extremely high and no reasonable explanation has been provided as to how this amount of usage could have occurred. Second, the meter was not operating properly. It read well below our rule's standard at low flows. Although this indicated the meter was underreading, we do not know if this was the case nine months earlier and whether high and medium flows could also have been affected at that time. The District also failed to comply with Commission rules that require utilities to test meters at least every eight years. Chapter 62(3)(G).

When we consider these facts, we believe a compromise is reasonable. Therefore, we direct the District to accept as payment in full for the third quarter 2002 an amount reflecting average usage for the previous four quarters and one-half the amount in excess of that amount as recorded by the meter.

Dated at Augusta, Maine, this 15th day of August, 2003.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Diamond
 Reishus

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within **21 days** of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.